

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

DSCF Standard Mail Load Leveling

Docket No. N2014-1

PRESIDING OFFICER'S RULING DENYING MOTION TO COMPEL
RESPONSES TO INTERROGATORIES DBP/USPS-8, 9, AND 10

(Issued February 12, 2014)

On January 14, 2014, the Postal Service filed objections to interrogatories DBP/USPS-8, 9, and 10 filed by David B. Popkin (Popkin).¹ On January 27, 2014, Popkin filed a motion to compel responses to these interrogatories.² On February 3, 2014, the Postal Service filed a response in opposition to Popkin's Motion to Compel.³ The Motion to Compel is denied.

The interrogatories are listed below:

DBP/USPS-8

Please confirm, or explain if you are unable to confirm, that five years ago mailers could deposit their Presorted Standard Mail at 100% of the INDEPENDENT Post Offices in the Country.

¹ United States Postal Service Objections to David B. Popkin Interrogatories (DBP/USPS—8-10), January 14, 2014 (Objection); Interrogatories of David B. Popkin to the United States Postal Service [DBP/USPS-1 through 10], January 7, 2014.

² Motion to Compel a Response to Interrogatories of David B. Popkin to the United States Postal Service [DBP/USPS-8 through 10], January 27, 2014 (Motion to Compel).

³ Opposition of the United States Postal Service to David B. Popkins' Motion to Compel Responses to Interrogatories DBP/USPS-8-10, February 3, 2014 (Opposition).

DBP/USPS-9

Subpart [a] Please confirm, or explain if you are unable to confirm, that at the present time there are a number of independent Post Offices which will no longer accept Presorted Standard Mail at their facility and require mailers to bring the mail to another facility.

Subpart [b] Please provide a listing of Districts in the country showing the percentage of INDEPENDENT Post Offices in the District that will no longer accept Presorted Standard Mail.

DBP/USPS-10

When a P&DC is closed after being consolidated with another P&DC, what arrangements are made for the deposit of DSCF Mail at the original location? Will mailers have to bring the mail to the new location? Will arrangements be made to provide acceptance at the old location? Will a nearby post office accept the mail? Please provide approximate percentages for these and other arrangements.

The Postal Service objects to each of these interrogatories, contending that the information sought is irrelevant to this proceeding. Objection at 1-2.

Popkin motion. Popkin asserts that the Postal Service eliminated the ability to deposit Standard Mail at all offices several years ago and required Standard Mail to be mailed only at a limited number of offices. He contends that this has affected the volume of mail directly entered at SCFs and P&DCs. Thus, Popkin argues that the information sought by interrogatories DBP/USPS-8 and -9 is relevant to evaluating the Postal Service's proposal. Motion to Compel at 2.

Popkin claims that a response to interrogatory DBP/USPS-10 would provide volume information for the mail subject to the load leveling plan and is therefore relevant. He notes that the Postal Service failed to provide information as to the specific page or line numbers where the requested information was discussed in Docket No. N2012-1. *Id.*

Postal Service answer. The Postal Service asserts that interrogatories DBP/USPS-8 and -9 seek information not relevant to the service change at issue in this docket. Objection at 1-2. It claims that “[t]he issue of what Standard Mail could be deposited at Post Offices five years ago” and “[t]he terms and conditions under which or

the degree to which some Standard Mail may be entered at Post Offices relative to five years ago” are not germane to the proposed service standard change, which affects only DSCF Standard Mail entered at destination plants. *Id.* The Postal Service also maintains that even if the volume of mail directly entered at SCFs and P&DCs were relevant, the interrogatories ask for information regarding presorted Standard Mail, which would not elicit any evidence of the impact on DSCF Standard Mail. Opposition at 3.

The Postal Service objects to DBP/USPS-10 because it contends that the information sought by this interrogatory is not relevant. Objection at 2. Additionally, it argues that the information concerning plant consolidation has been developed extensively in Docket No. N2012-1, particularly in the direct testimony of witness Pritha Mehra. It contends that providing a response would place an unreasonable burden on Postal Service resources when Popkin can easily examine the evidentiary record or the Postal Service’s initial brief in Docket No. N2012-1 to find the requested information. *Id.* The Postal Service concludes that the interrogatory is not “reasonably calculated to lead to the discovery of admissible evidence” as required by 39 CFR § 3001.26(a). Opposition at 4.

Ruling. Commission rules “allow discovery reasonably calculated to lead to admissible evidence during a noticed proceeding.” 39 C.F.R. § 3001.25(a). Subject to that requirement, interrogatories may request “nonprivileged information relevant to the subject matter” of the proceeding. 39 C.F.R. § 3001.26(a).

Interrogatory DBP/USPS-8 relates to historical practices of entering presorted Standard Mail at post offices, while interrogatory DBP/USPS-9 relates to current practices. The historical practices are not relevant to the load leveling plan. The current practices do not appear to be affected by the load leveling plan, or vice versa. Any associated effect on volumes would appear to be inconsequential when evaluating the Postal Service’s plan.

Interrogatory DBP/USPS-10, concerning potential facility closures and consolidations, also appears tangential to the Postal Service’s load leveling plan. The

arrangements made for entering mail in the future due to a plant consolidation would not be affected by the load leveling plan. Furthermore, the issue has been thoroughly reviewed in Docket No. N2012-1.⁴ The interrogatory does not appear to be reasonably calculated to lead to admissible evidence in this docket.

RULING

The Motion to Compel a Response to Interrogatories of David B. Popkin to the United States Postal Service [DBP/USPS-8 through 10], filed January 27, 2014, is denied.

Mark Acton
Presiding Officer

⁴ See, e.g., Docket No. N2012-1, Advisory Opinion on Mail Processing Network Rationalization Service Changes, September 28, 2012, at 60-63, 108; Docket No. N2012-1, Direct Testimony of Pritha N. Mehra on Behalf of the United States Postal Service (USPS-T-7), December 5, 2011; Docket No. N2012-1, Tr. 5/1553-73.